

**RESOLUTION NO. 74750**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE SETTING A PUBLIC HEARING FOR THE APPROVAL OF A REPORT OF THE DIRECTOR OF FINANCE ON THE COST OF UNPAID SIDEWALK REPAIRS FOR FEBRUARY 10, 2009**

**WHEREAS**, in accordance with the provisions of Parts 13 and 17 of Chapter 14.16 of Title 14 of the San José Municipal Code, the City of San José ("City") has caused sidewalks to be repaired at various locations throughout the City; and

**WHEREAS**, the Director of the Department of Finance has invoiced the property owners for the sidewalk repairs undertaken by the Department of Transportation ("DOT"); and

**WHEREAS**, the City Council of the City of San José ("City Council") can levy assessments against property owners for unpaid invoices for sidewalk repairs at the conclusion of a public hearing process, which process includes administrative conferences in an effort to resolve potential protests prior to the public hearing;

**NOW, THEREFORE**, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. February 10, 2009, at 1:30 p.m. in the Council Chambers of the City of San José, City Hall, located at 200 East Santa Clara Street, San José, California, is hereby fixed as the time and place for the public hearing of all protests and objections by property owners that may be liable to be assessed for sidewalk repair and any other interested persons.
2. The City Clerk is hereby directed to post a copy of this resolution at City Hall, adjacent to the Council Chambers.

3. The City's Department of Transportation is hereby directed to notify each property owner to be assessed, by postage prepaid mail, of the day and hour fixed for the public hearing of all protests and objections.
4. In accordance with Sections 5613 and 5616 of the California Streets and Highways Code, the City's Department of Transportation is further directed to cause to be issued, by postage prepaid mail, not less than seven (7) days nor more than ten (10) days after the mailing of the first notice, and not less than ten (10) days prior to the February 10, 2009, hearing date, a second notice, clearly marked as "SECOND NOTICE" of the cost of repair and date and hour fixed for the public hearing.

ADOPTED this 13<sup>th</sup> day of January, 2009, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,  
KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE, REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

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CHUCK REED  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk